

**BEFORE THE  
STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION**

Application for Certification  
For the San Francisco  
Electric Reliability Project

Docket No. 04-AFC-1

**FIRST SET OF DATA REQUESTS  
OF CALIFORNIANS FOR RENEWABLE ENERGY, INC. (CARE)**

Pursuant to Title 20, California Code of Regulations, section 1716, Californians for Renewable Energy, Inc. (CARE) requests the information specified in the enclosed data requests. Additionally, as the City and County of San Francisco (CCSF or the Applicant) is a public agency, we hereby submit this written request under the California Public Records Act.

PLEASE TAKE NOTICE OF THE FOLLOWING LEGAL AUTHORITY ON WHICH REQUESTER IS RELYING AND WILL RELY REGARDING THE CPRA:

- The CPRA requires a determination by an agency receiving a written request, with notice to the CPRA requestor of the determination, within 10 days of the request. (Gov. Code Sec. 6253(a).)
- The CPRA defines the public record as "any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics." (Gov. Code Sec. 6252(d).)
- A CPRA request may not be limited or ignored even when discovery is available to obtain the requested public records, regardless of the requestor's purpose for seeking the information requested.
- In enacting the CPRA, the California Legislature has expressly stated, "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (Gov. Code sec. 6250.) And the California Supreme Court has held that the explicit purpose of the CPRA is to increase freedom of information by giving the public access in possession of public agencies, which requires a narrow construction of the CPRA exemptions with the burden on the agency to prove those exemptions exist in a particular case. (Fairley v. Superior Court (1998) 66 Cal.App.4th 1414, 1419-20; see also Times Mirror Co v. Superior Court (1991) 53 Cal.3d 1325.)

The information requested is necessary to: 1) more fully understand the project, 2) assess whether the facility will be constructed and operated in compliance with applicable regulations, 3) assess whether the project will result in significant environmental impacts, 4) assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner, and 5) assess potential mitigation measures and alternatives.

## II.

CALifornians for Renewable Energy, Inc. (CARE) is a non-profit public benefit corporation organized under the laws of California in 1999 recognized as a tax-exempt under §501 (c)(3) of the US Tax Code for the purpose of educating the public about, and encouraging public agencies to consider, alternative forms of renewable energy as a means of avoiding (1) dependence on declining supplies of fossil fuels and (2) the harmful air emissions their use occasions.

CARE is the only party to this proceeding actively representing the community interest's of residential customers who are members of CARE in the Proposed Project area who reside in the affected community of Bayview Hunters Point in San Francisco, who have born the disparate environmental and socioeconomic burden of PG&E's antiquated Bayview Hunters Point power plant and Mirant's Unit 3 Potrero Hill power plant.

CARE has brought a civil rights complaint (file#03-003-HQ) against the City and County of San Francisco with the US Department of Energy Office of Civil Rights and Diversity against the California Independent System Operator Corporation (Cal ISO), the California Energy Commission, (CEC), the City and County of San Francisco (CCSF), and Pacific Gas and Electric (PG&E) for their failure to close the Hunters Point power plant based on a discriminatory reliability standard by the Cal ISO, also for the CCSF and CEC advocating new fossil fuel generation being sited in the southeast San Francisco (i.e., Hunters Point and Potrero Hill) which is predominantly a low-income community of color (African American), purportedly for "reliability", and the Cal ISO's denial of Voting Rights to the affected community on Cal ISO board governance. PG&E

was the only respondent to the complaint that provided a meaningful response offering to shut down their power plant in return for Bay View Hunters Point community support for their 230 KV Jefferson Martin transmission upgrade. As demonstrated with the actual transcript (a legal record) from the January 12<sup>th</sup>, 2004 evidentiary hearing before California Public Utilities Commission (CPUC) Administrative Law Judge (ALJ) Charlotte TerKeurst on PG&E's proposed Jefferson Martin project.

Manho Yeung was PG&E's Witness on the Need for the Jefferson Martin transmission project. This transcript provides evidence of sworn testimony by PG&E (after admitting the beneficial impacts of this project on distributed generation) that without the Jefferson-Martin project, there would not be adequate new capacity to enable the shut down of PG&E's power plant even with the four CCSF 45 MW CTs.

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5 WITNESS YEUNG: An I am not quite sure I understand  
6 the question. Are you asking would the proposed  
7 Jefferson-Martin project help achieve renewable -- not  
8 renewable, I guess -- distributed generation goals.

9 MR. BOYD: Q Yes, exactly. Would it adversely impact  
10 it, or would it benefit that use?

11 A I don't believe there would be any direct impact  
12 to distributed generation. There may be some secondary  
13 effects in terms of increasing the transmission capability  
14 into and out of the project area.

15 Q Then I had only one other question for you, which  
16 was it seems to be a disagreement over the need for these  
17 four peakers in San Francisco in order to shut down the  
18 Bayview-Hunter's Point power plant. And I know that  
19 without -- my understanding is that without the  
20 Jefferson-Martin project, that that wouldn't be adequate new  
21 capacity to enable us to shut down that power plant; is that  
22 true? Do you know if that's true or correct?

23 A I don't believe there is a disagreement per se.  
24 The proposed Jefferson-Martin project along with other  
25 transmission projects that are being proposed for this area  
26 will provide enough capacity to meet all applicable planning  
27 requirements, even with the retirement of the entire Hunter's

28 Point power plant.

This provides evidence of sworn testimony by PG&E that with the Jefferson-Martin project, there will be adequate new capacity to enable the shut down of PG&E's power plant even without the four CCSF 45 MW CTs being sited in San Francisco.

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22 ALJ TERKEURST: Can you put a time frame.

23 MR. BOYD: Q Upon construction of the

24 Jefferson-Martin is the time period. If the Jefferson-Martin

25 is constructed, do we need those peakers? Or is there

26 sufficient capacity once the construction is complete to meet

27 the peak demand of San Francisco?

28 WITNESS YEUNG: A Are you referring to the year 2006,

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1 2005 or beyond?

2 Q Assuming late 2005, 2006, early 2006 the project

3 is complete, I am asking about at that time period would

4 there be sufficient capacity with that transmission upgrade

5 to meet the demand without those peakers?

6 A As described in my direct testimony on page 2, on

7 page 2 there is a chart showing the capability of the

8 transmission system. And if we are focusing on the year

9 2006, assuming that the proposed Jefferson-Martin project is

10 constructed, then there would be enough capacity to meet the

11 expected demand for the year 2006.

12 Q Without the need for the peakers?

13 A Without installation of the peakers.

14 Q Thank you.

CCSF AFC to the CEC the City provided further false information in an attempt to cloud the CEC decision makers perception by labeling their project the "San Francisco Electric Reliability Project".

Respectfully submitted,



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Lynne Brown  
Resident, Bayview Hunters Point  
24 Harbor Road  
San Francisco, CA 94124



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Michael E. Boyd  
President  
Californians for Renewable Energy, Inc.  
(CARE)  
5439 Soquel Drive  
Soquel, CA 95073

August 9<sup>th</sup>, 2004

## **DEFINITIONS AND INSTRUCTIONS**

### **A. Definitions**

1. “ISO” means the California Independent System Operator.

2. “*CCSF*” means the City and County of San Francisco or any other governmental entity controlled or appointed by the mayor or City and County of San Francisco including but not limited to the San Francisco Redevelopment Agency.
3. “*SFE*” means San Francisco Department of Environment
4. “*CEC*” means the California Energy Commission.
5. “*CPUC*” means California Public Utilities Commission.
6. “*Communication(s)*” includes all verbal and written communications of every kind, including but not limited to telephone calls, conferences, and correspondence, and all memoranda concerning the requested communication.
7. “*Document(s)*” refers to all writings and records of every type in your possession, control, or custody, including but not limited to: testimony and exhibits, memoranda, correspondence, letters, reports (including drafts, preliminary, intermediate, and final reports), surveys, analyses, studies (including economic and market studies), summaries, comparisons, tabulations, charts, books, pamphlets, photographs, maps, bulletins, minutes, notes, diaries, log sheets, ledgers, transcripts, microfilm, microfiche, computer data, computer files, computer tapes, computer inputs, computer outputs and printouts, vouchers, accounting statements, budgets, workpapers, engineering diagrams (including "one-line" diagrams), mechanical and electrical recordings, telephonic and telegraphic communications, speeches, and all other records, written, electrical, mechanical, or otherwise and drafts of any of the above.

“*Document(s)*” includes the following:

- a. copies of documents, where the originals are not in your possession, custody or control;
  - b. every copy of a document which contains handwritten or other notations or which otherwise does not exactly duplicate the original or any other copy.
  - c. any attachments or appendices to any document.
8. “*Identification*” and “*identify*”:
- a. when used with respect to a document, include stating the nature of the document (*e.g.*, letter, memorandum, corporate minutes), the date, if known, on which the document was prepared, the title of the document, the general subject matter of the document, the number of pages in the document, the identity of each person who wrote, dictated, or otherwise participated in the preparation of the document, the identity of each person who signed or initialed the document, the identity of

each person to whom the document was addressed, the identity of each person who reviewed or revised the document, the location of the document, and the identity of each person having possession, custody, or control of the document.

“*Identification*” of a document includes identifying all documents known or believed to exist whether or not they are in your custody.

- a. when used with respect to a person, include stating (i) his or her full name, (ii) his or her most recently known business address and telephone number, or if that is not available, the most recently known home address and telephone number, (iii) his or her present title and position, and (iv) his or her present and prior connections or associations with any participant or party to this proceeding.
  - b. when used with respect to a communication, include stating (i) the date of the communication, (ii) the type of communication, (iii) the identity of the persons who made and received the communication, (iv) the persons present when the communication was made, and (v) to the extent not provided in a document, the substance of the communication.
9. “*Participant*” means any party to this proceeding or any employee of the Commission assigned to present the position of the Commission staff in the proceeding before the Commission.
10. “*Party*” means, with respect to a proceeding
- a. a person filing any application, petition, tariff or rate filing, complaint, or any protest.
  - b. any respondent to a proceeding; or
11. “*Person*” refers to, without limiting the generality of its meaning, every natural person, corporation, partnership, association (whether formally organized or *ad hoc*), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency, or any other group or other organization.

## **B. Instructions**

1. These data requests call for all information, including information contained in documents, which relates to the subject matter of the data requests and which is known or available to you. If there is no responsive information or document, please so state.

2. Where a data request has a number of separate subdivisions or related parts or portions, a complete response is required to each subdivision, part, or portion. Any objection to a specific data request should clearly indicate the subdivision, part, or portion of the data request to which it is directed.
3. If a data request specifically requests an answer in response rather than the production of documents, an answer is required. The production of documents will not suffice.
4. If information requested is not available in the exact form requested, provide such information or documents as are available that best respond to the data request.
5. Publicly available documents: If information requested is publicly available on the internet, the exact Web address of the responsive information may be provided in lieu of producing the document; provided, however, that access to the document shall not require any type of registration through such Web site.
6. These data requests are continuing in nature and require supplemental responses when further or different information with respect to the same is obtained.
7. Each response should be furnished on a separate page headed by the individual data request number being answered. Individual responses of more than one page should be stapled or bound and each page consecutively numbered.
8. In each response, including the production of all documents, designate the data request(s) being answered, using the same number used by CARE in these data requests.
9. Each data request to, "Provide all documents . . . " or similar phrases includes a request for the "identification" (*see* Definitions) of all such documents. To the extent that a document is self-identifying, it need not be separately identified.
10. For each document produced or identified in a response which is computer generated, state separately (i) what types of data, files, or tapes are included in the input and the source thereof, (ii) the form of the data which constitutes machine input (*e.g.*, punch cards, tapes), (iii) a description of the recordation system employed (including program descriptions, flow charts, *etc.*), and (iv) the identity of the person who was in charge of the collection of input materials, the processing of input materials, the data bases utilized, and the programming to obtain the output.
11. If a data request can be answered in whole or in part by reference to the response to another data request served in this proceeding, it is sufficient to so indicate by specifying the other data request by participant and number, by specifying the parts of the other



response which are responsive, and by specifying whether the response to the other data request is a full or partial response to the instant data request. If it constitutes a partial response, the balance of the data request must be answered.

12. If you cannot answer a data request in full, after exercising due diligence to secure the information necessary to do so, state the answer to the extent possible, state why you cannot answer the data request in full, and state what information or knowledge you have concerning the unanswered portions.
13. If, in answering any of these data requests, you believe that any data request or definition or instruction applicable thereto is ambiguous, set forth the language you believe is ambiguous and the interpretation you are using in responding to the data request.
14. If a document requested is unavailable, identify the document, describe in detail the reasons the document is unavailable, and state where the document can be obtained.
15. If you assert that any document responsive to a data request has been destroyed, state when and why it was destroyed, identify the person who directed the destruction, and identify all documents relevant to the destruction or the explanation. If the document was destroyed pursuant to your document retention/destruction program, identify and produce a copy of the guideline, policy or company manual describing such retention/destruction program.
16. Where a data request seeks information by year or years, indicate whether the information is provided on a calendar or fiscal year basis. If provided on a fiscal year basis, state the dates on which each fiscal year begins and ends.
17. If you refuse to respond to any discovery request by reason of a claim of privilege, or for any other reason, state in writing the type of privilege claimed and the facts and circumstances you rely upon to support the claim of privilege or the reason for refusing to respond. To the extent you assert a claim of privilege with respect to any responsive documents, please provide an index identifying each of those documents, that includes the date of each individual document, its title, its recipient(s) and its sender(s), a summary of the contents of the document and the basis of claim of privilege.
18. Each response must be verified under oath in writing and each document produced shall be verified under oath in writing as being an authentic original document or a true duplicate of an authentic original document.
19. Identify the person responsible (whether primarily or indirectly) for preparing and providing each response. If a data request is directed to the testimony or an exhibit of a witness and is answered by another person, please state whether the witness agrees with

the response.

20. If no document is responsive to a data request, then so state. In each such instance the data request should be treated as an interrogatory; thus, provide a full and detailed explanation of the rationale, support, or basis underlying the information included in filings with the Commission, or underlying the position you have taken on the issue, which relates to the subject of the request.
21. The singular form of a word shall be interpreted as plural, and the plural form of a word shall be interpreted as singular whenever appropriate in order to bring within the scope of these data requests any information or documents which might otherwise be considered to be beyond its scope.
22. Any reference to the Party to whom the data request was addressed also includes any merged or consolidated predecessors or predecessor in interest; subsidiaries past or present; and all persons acting under contractual arrangements with or acting on behalf of the Party to whom the data request was addressed.

## **CARE'S FIRST SET OF DATA REQUESTS TO CCSF**

### **CARE/CCSF 1.1**

- a. Why is CCSF making the false claim that this project is needed for “reliability”?
- b. Provide in electronic format where available all data and/or documents that CCSF has provided to or received from ISO, CEC, CPUC, and/or other agencies or organizations during the period commencing with the date of the Application being filed through today relating to the Application for Certification for this Project, in regards to the need for this project in order to serve “reliability” demands as determined by the ISO, and/or in order to shut down the Bay View Hunters Point power plant as soon as possible as determined by the plant’s owner PG&E.
- c. Identify all persons responsible for developing policies, strategies, comments and/or testimony.

### **CARE/CCSF 1.2**

- a. Why is CCSF supporting the siting of three peakers at the Mirant Potrero site over the environmentally benign alternative of transmission upgrades, as proposed by PG&E?
- b. Provide in electronic format where available communications and/or documents relating to this project and the Application of Pacific Gas and Electric Company (U-39-E) for a certificate of Public Convenience and Necessity Authorizing the Construction of the Jefferson-Martin 230 kV Transmission Project, or other transmission projects, that CCSF identified as necessary to meet the reliability demands established by ISO for San Francisco, and to shutdown the Bay View Hunters Point power plant.
- c. Identify all persons responsible for developing policies, strategies, comments and/or testimony.

### **CARE/CCSF 1.3**

- a. On November 6, 2001, San Francisco voters overwhelmingly approved a

landmark \$100 million bond initiative that pays for solar panels, energy efficiency and wind turbines for public facilities. What if any of the \$100 million bond has been sold, and what expenditures of these funds have been made?

- b. Provide in electronic format where available all communications and/or documents relating to *any new renewable energy projects* in San Francisco California that CCSF has identified.
- c. Identify and provide the last known address for all persons responsible for, or who participated in, any such communications.

#### **CARE/CCSF 1.4**

- a. Section 501 of the federal New Source Review states, “The term ‘major source’ means any stationary source (or any group of stationary sources located within a contiguous area and under common control)”. Why doesn’t CCSF’s analysis include Mirant’s Unit 7 combined cycle project AFC that is on hold not withdrawn and therefore should include an existing Mirant application as required by NSR? Why doesn’t CCSF’s analysis include the two existing peakers and all other available Mirant units at the proposed project site as NSR requires?
- b. Provide in electronic format where available all communications and/or documents analyzing or evaluating *the impacts of the proposed project including the impacts of existing generation, and other new generation under consideration in San Francisco, with those of PG&E’s likely transmission upgrades, on air quality, biological resources, water resources, natural gas supplies and energy efficiency.*
- c. Identify and provide the last known address for all persons responsible for, or who participated in, any such communications.

#### **CARE/CCSF 1.5**

- d. Provide in electronic format when available all data and/or documents that CCSF or SFE has provided to or received from Greenaction in regards to the \$150,000 received in order to “Empower [the San Francisco Bayview Hunters Point] community to play a role and make an impact on the neighborhood through outreach, education and advocacy for the following: The shutdown of power plant and increased energy conservation/efficiency and renewables”, and the \$50,000 for “continuation of the Green Energy Environmental Justice Project, Greenaction will conduct outreach in Bayview Hunters Point to

promote energy conservation and support the shut down of the Hunters Point Power Plant. Greenaction will work to ensure the community will be able to influence government decisions surrounding energy issues.” Data and documentation should include any contract(s), cost analysis, budget, time sheets, receipts for materials, goods, and services performed, include all revenue and expense records reports provided by the Grant Recipient with full justification for all expenditures made for the purported benefit of the San Francisco Bayview Hunters Point Community.

- e. As a recipient of government grant funds from CCSF provide all communications and/or documents relating to the recipient’s agreement to hold CCSF harmless from legal action by the recipient in return for said grant(s).
- f. As a recipient of government grant funds from CCSF provide all communications and/or documents relating to the recipient’s actions to shut down PG&E’s Bayview Hunters Point and or support siting of three CCSF owned gas fired combustion turbines (CTs) at the Mirant Potrero Hill power plant site in Southeast San Francisco.
- g. Identify all persons responsible for developing any agreements, policies, strategies, comments and/or testimony before the CCSF and /or SFE or other Agency in regards to the Grant(s).

#### **CARE/CCSF 1.6**

- a. Provide in electronic format when available all data and/or documents that CCSF or SFE has provided to or received from San Francisco Community Power Cooperative \$1,500,000 for the purported “Creation of an energy-cooperative in BVHP and Potrero Hill. Education of energy reduction measures and implementation of energy saving strategies. Train residents on co-op jobs such as community organizing, energy audits and installation.” Data and documentation should include any contract(s), cost analysis, budget, time sheets, receipts for materials, goods, and services performed, include all revenue and expense records reports provided by the Grant Recipient with full justification for all expenditures made for the purported benefit of the San Francisco Bayview Hunters Point Community.
- b. As a recipient of government grant funds from CCSF provide all communications and/or documents relating to the recipient’s agreement to hold CCSF harmless from legal action by the recipient in return for said grant(s).
- c. As a recipient of government grant funds from CCSF provide all communications and/or documents relating to the recipient’s actions taken for the creation of an energy-cooperative in BVHP and Potrero Hill, education of energy reduction measures and implementation of energy saving strategies. Evidence of training BVHP residents on co-op jobs such as community organizing, energy audits and installation with evidence of employment or other positive outcome provide all documentation.

- d. Identify all persons responsible for developing any agreements, policies, strategies, comments and/or testimony before the CCSF and /or SFE or other Agency in regards to the Grant.

### **Verification**

I am an officer of the Intervening Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 9<sup>th</sup> day of August 2004, at Soquel, California.



Michael E. Boyd – President, CARE  
CALifornians for Renewable Energy, Inc. (CARE)  
5439 Soquel Dr.  
Soquel, CA 95073-2659  
Tel: (408) 891-9677  
Fax: (831) 465-8491  
E-mail: [michaelboyd@sbcglobal.net](mailto:michaelboyd@sbcglobal.net)